IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1752 OF 2005

Mrs.Sarojini @ Shakuntala Suresh Ghorpade : Petitioner
(Orig.Defendant)

V/s.

Shri Ramjan Nabilal Tamboli : Respondent
(Orig. Plaintiff)

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Mr.P.J.Pawar for the petitioner.

None present for the respondent.

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CORAM : S.A. BOBDE, J.

July 6, 2005.

P.C.:

1. The petitioner has challenged the refusal of the appellate Court to condone the delay of one year and eight months for filing an appeal. The lower appellate Court has found that there is no sufficient and reasonable cause for explaining the delay of one year and eight months and the petitioner has given reasons which are based on suppression of truth. The petitioner submitted before the trial Court that she was suffering from illness of the brain and was treated in Hospitals at Pune and Mumbai from May 2002 to 5.1.2003 and was unaware of the decision of

the trial Court. According to the petitioner, she became aware of the decision of the trial Court only on receiving the notice of the execution of the decree passed against her. This has been found to be false in view of the fact that on 12.6.2003 she had engaged an Advocate who had filed his Vakalatnama in the execution proceedings.

2. In the circumstances, having regard to the observations of the lower appellate Court, there is no merit in the petition which is hereby dismissed.

S.A. BOBDE, J.